

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TIMOTHY JONES, :
Plaintiff, : NO. 1:05-CV-00090
: **ORDER**
v. :
: SHAW ENVIRONMENTAL &
INFRASTRUCTURE INC., :
Defendant. :
:

This matter is before the Court on the Report and Recommendation of the assigned Magistrate Judge (doc. 5). The Plaintiff did not file any Objections thereto. In the Report and Recommendation, the Magistrate Judge recommends that Plaintiff's Complaint be dismissed for failure to effect service of process of the summons and complaint and that this case be closed (Id. citing Habib v. General Motors Corp., 15 F.3d 72, 74 (6th Cir. 1994); United States v. Gluklick, 801 F.2d 834, 836-37 (6th Cir. 1986)). The Court had previously entered a Show Cause Order in this matter, advising Plaintiff that his Complaint would be dismissed if he failed to timely comply with the Order (doc. 4). Plaintiff did not respond to the Court's Show Cause Order.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the

Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). As noted, Plaintiff did not file any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). Pursuant to 28 U.S.C. § 636(b), the Court has reviewed the Report and Recommendation de novo, finding it thoughtful, well-reasoned and proper.

Accordingly, the Magistrate Judge's Report and Recommendation (doc. 5) is hereby ADOPTED IN ITS ENTIRETY. Plaintiff's Complaint is DISMISSED and this case is CLOSED.

SO ORDERED.

Dated: April 11, 2006

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge